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**IN THE
COURT OF CRIMINAL APPEALS
OF TEXAS
AT AUSTIN**

FILED
COURT OF CRIMINAL APPEALS
3/12/2020
DEANA WILLIAMSON, CLERK

**CHRISTOPHER RUBIO,
Petitioner/Appellant**

v.

**THE STATE OF TEXAS,
Respondent/Appellee**

*On Appeal in Cause No. F16-33703-W
from the 363rd Judicial District Court
of Dallas County, Texas
And on Petition for Discretionary Review
from the Fifth District of Texas at Dallas
In Cause No. 05-18-00861-CR*

MOTION FOR EXTENSION

Counsel of Record:

**Lynn Richardson
Chief Public Defender**

**Christi Dean
Assistant Public Defender**
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COMES NOW Christopher Rubio, Petitioner, and respectfully submits this Motion for an Extension of Time in Which to File Petition for Discretionary Review in the above entitled and numbered cause. In support of this Motion, Petitioner would show this Honorable Court the following:

I.

On July 11, 2018, a Dallas County jury convicted Appellant of capital murder upon a plea of not guilty; the trial court sentenced him to life imprisonment without the possibility of parole. (CR:109). Trial counsel filed a standardized motion for new trial on the same day that Appellant was convicted and sentenced, which the trial court overruled. (CR:131). On August 10, 2018, undersigned counsel filed a motion for leave to file and an amended motion for new trial. (CR:140-225, 238-268). On September 21, 2018, the trial court granted the motion for leave to file, conducted a hearing on Appellant's amended motion for new trial, and ultimately denied it. (RR5).

II.

On February 11, 2020, the Court of Appeals for the Fifth District of Texas issued a published opinion affirming Petitioner's conviction. *Rubio v. State*, No. 05-18-00861-CR, 2020 WL 633681 (Tex. App. Feb. 11, 2020). No motion for rehearing was filed.

III.

The deadline for filing a Petition for Discretionary Review is March 12, 2020. Petitioner brings this motion for an extension of time within 15 days of the last date for filing a Petition for Discretionary Review. *See* Tex. R. App. P. 68.2(c).

IV.

Petitioner requests an extension of time for a period of thirty (30) days. No prior request for an extension of time has been made.

V.

Undersigned counsel is requesting an extension for the following reasons: Since the court of appeals issued its opinion in Petitioner's case, undersigned counsel has drafted and filed a Petition for Discretionary Review in *Donald Giles v. State*, No. PD-0016-20; researched, drafted, and filed a motion to abate in *Brandon Gordy v. State*, No. 05-19-00444-CR; and researched, drafted, and filed a motion to suppress in *State v. Kevin Mead*, No. F18-76105. Further, counsel has continuously engaged in administrative matters connected to her position. Most importantly, it is Petitioner's position that the Fifth District Court of Appeals' published decision conflicts with other courts of appeals' decisions and applicable decisions of this Court; the court of appeals also appears to have misconstrued a rule. *See* Tex. R. App. P 66.3(a), (b), (c), (d), (f). Counsel requests the additional time to draft a cogent pleading on a meritorious issue.

WHEREFORE, PREMISES CONSIDERED, Petitioner respectfully requests that this Honorable Court extend time for filing the Petition for Discretionary Review for 30 days to April 11, 2020.

Respectfully submitted,



Christi Dean
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument has been electronically delivered to the Dallas County Criminal District Attorney's Office (Appellate Section), 133 N. Riverfront Blvd., Dallas, Texas 75207 on this March 11, 2020.



Christi Dean

Automated Certificate of eService

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Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Dallas County District Attorney's Appellate Section		DCDAAppeals@dallascounty.org	3/11/2020 3:47:04 PM	SENT